

House File 331 - Introduced

HOUSE FILE 331

BY WORTHAN

A BILL FOR

1 An Act relating to criminal trespass and including
2 applicability provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.7, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4. A person has received notice to abstain
4 from entering or remaining upon or in property within the
5 meaning of subsection 2 if any of the following is applicable:

6 a. The person has been notified to abstain from entering or
7 remaining upon or in property personally, either orally or in
8 writing, including by a valid court order under chapter 236.

9 b. A printed or written notice forbidding such entry has
10 been conspicuously posted or exhibited at the main entrance to
11 the property or the forbidden part of the property.

12 c. Identifying purple marks or caps have been placed on
13 trees or posts around the area where entry is forbidden. Each
14 purple mark must be either of the following:

15 (1) A vertical line of at least eight inches in length and
16 the bottom of the mark must be no less than three feet and
17 no more than five feet above the ground. Such marks must be
18 placed no more than one hundred feet apart and must be readily
19 visible to any person approaching the property.

20 (2) A fence post capped or otherwise marked on at least the
21 post's top two inches. The bottom of the cap or mark must be
22 no less than three feet and no more than five feet, six inches
23 above the ground. Posts so capped or marked must be placed no
24 more than thirty-six feet apart and must be readily visible
25 to any person approaching the property. Prior to applying a
26 cap or mark which is visible from both sides of a fence shared
27 by different property owners, lessee, or others in lawful
28 possession, all such owners, lessees, or others in lawful
29 possession shall concur in the decision to apply a cap or mark
30 to the fence.

31 NEW SUBSECTION. 5. Subsection 4 shall not be construed
32 to authorize an owner, lessee, or other person in lawful
33 possession of any property to place any purple marks or caps
34 on any tree or post or to install any post or fence if doing
35 so would violate any applicable law, rule, ordinance, order,

1 abstain from entering or to vacate the property if the person
2 has been notified to abstain from entering or remaining upon or
3 in property personally, either orally or in writing, including
4 by a valid court order under Code chapter 236 (domestic abuse);
5 if a printed or written notice forbidding such entry has been
6 conspicuously posted or exhibited at the main entrance to
7 the property or the forbidden part of the property; or if
8 identifying purple marks or caps have been placed on trees
9 or posts around the area where entry is forbidden. The bill
10 specifies the requirements for using purple marks or caps on
11 trees or posts, including the size, location, and placement of
12 the purple marks or caps.

13 The bill provides that placing purple marks or caps on trees
14 or posts does not constitute notice until January 1, 2017.
15 Entering a property so marked or capped after that date could
16 result in a criminal trespass charge.

17 The bill does not authorize an owner, lessee, or other person
18 in lawful possession of any property to place any purple marks
19 or caps on any tree or post or to install any post or fence if
20 doing so would violate any applicable law, rule, ordinance,
21 order, covenant, bylaw, declaration, regulation, restriction,
22 or instrument.

23 The bill directs the departments of agriculture and land
24 stewardship and natural resources to inform the general public
25 of the purple marking requirements, including information
26 regarding the size requirements of the markings as well as the
27 manner in which the markings must be placed. The bill provides
28 that the departments of agriculture and land stewardship and
29 natural resources may prepare a brochure, disseminate the
30 information through agency internet sites, or collaborate
31 with nongovernmental organizations to help disseminate the
32 information.